

**Notice of Allowability**

Application No.

09/854,733

Examiner

Farzana E. Hossain

Applicant(s)

BARRETT ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-20-2006.
2. ☒ The allowed claim(s) is/are 51-54, 56-64, 66-72 and 74-89.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lavar Oldham on December 4, 2006.

The application has been amended as follows:

Claims 52, 62:

Correct: "a computer-readable medium for storing computer-executable instructions" to --a computer-readable medium having computer-executable instructions stored thereon--.

Claims 53, 54, 56-58:

Correct: "claims 51" to -- claim 51--.

Claim 59:

Correct: "claims 58" to -- claim 58--.

Claims 63, 64, 66-68, 71:

Correct: "claims 61" to --claim 61--.

Claim 69:

Correct: "claims 68" to -- claim 68--.

Claims 74-78:

Correct: "claims 52" to -- claim 52--.

Claim 79:

Correct: "claims 79" to -- claim 78--.

Claims 81-85, 88:

Correct: "claims 62" to -- claim 62--.

Claim 86:

Correct: "claims 87" to -- claim 85--.

Claim 87:

Correct: "claim 87" to -- claim 85--.

Claim 89:

Correct: "claim 90" to -- claim 88--.

2. The following is an examiner's statement of reasons for allowance:

Akhavan discloses a method (Figure 4A, Figure 4B) for display of electronic program guide (EPG) information (Figure 1, 90) to a viewer while viewing a television (TV) program (Figure 1, 80) wherein the EPG information is organized in various slices each contain at least a channel identifier and a program element for a given time element (Figure 1, Figure 5, 94, 91, 96), and wherein the viewer selectively determines how to expand the program guide information when initially presented to the viewer in browse mode so as to present additional program guide information (Figure 4A, Figure 4B, Figure 7, Figure 8) and a computer program product or software (Page 2, paragraph

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0030) for implementing a method (Figure 4A, Figure 4B) for display of EPG information (Figure 1, 90) to a viewer while viewing a TV program (Figure 1, 80) wherein the EPG information is organized in various slices each contain at least a channel identifier and a program element for a given time element (Figure 1, Figure 5, 94, 91, 96), and wherein the viewer selectively determines how to expand the program guide information when initially presented to the viewer in browse mode so as to present additional program guide information (Figure 4A, Figure 4B, Figure 7, Figure 8), the method and the computer program product comprising: a microprocessor, which includes software to determine the EPG settings to implement the EPG grid with the TV program (Page 2, paragraph 0030), necessarily includes memory to store software and instructions or commands meets the limitation a computer readable medium for storing computer executable instruction for implementing the method; and wherein the software which is used to implement the method (Page 2, paragraph 0030) inherently is a program with instructions that make hardware work and or program code meets the limitation computer executable instructions or software are comprised of computer program code means for performing the following steps: a step for retrieving from an EPG at least a first slice such as channel 2, channel 4, or channel 6 information (Figure 5, Figure 6, Figure 1), a step for displaying in browse mode the retrieved slice in a window that is simultaneously present for viewing with a displayed TV program (Figure 5, Figure 6); in response to a viewer activated scrolling command scrolling toward (up or down) a new slice that is not currently viewable to the view while continuing to display the retrieved slice (Page 3, paragraph 0034, Figure 2, 36a, 36b), a step for adding one additional

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slice of program guide information to the browse mode window corresponding to the new slice that is not currently viewable (Page 4, paragraph 0040); and a step for selectively continuing to add another additional slice of program guide information to the browse mode using a viewer activated scrolling command or to add another channel instead of the currently viewed channel (Figure 5, Figure 6, Page 4, paragraph 0040), while continuing to display the retrieved slice until a pre-defined number of slices is reached (Figure 1, Figure 5, Figure 6). Akhavan discloses a step for retrieving from an EPG at least a first slice such as channel 2, channel 4, channel 6 (Figure 5, Figure 6, Figure 1), a step for displaying in browse mode the retrieved slice in a window that is simultaneously present for viewing with a displayed TV program (Figure 5, Figure 6); in response to a viewer activated scrolling command scrolling toward (right or left) a new time element that is not currently visible to the view while continuing to display the retrieved slice (Page 3, paragraph 0034, Figure 2, 34a, 34b), a step for adding one or more time elements that are simultaneous with the browse mode window (Figure 1, Figure 5, Figure 6) in addition to the at least first slice of program guide information and the time element for the at least first slice of program guide information (Figure 1, Figure 5, Figure 6, Page 4, paragraph 0040); and a step for selectively continuing to add another additional slice of program guide information to the browse mode using a viewer activated scrolling command or to add another channel instead of the currently viewed channel (Figure 5, Figure 6, Page 4, paragraph 0040), while continuing to display the retrieved slice until a pre-defined number of slices is reached (Figure 1, Figure 5, Figure 6) and wherein each slice of program guide information that is added

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for a particular time element so that the viewer is allowed to scroll the brows window on a time period by time period basis (Figure 1, Figure 5, Figure 6, Page 3, paragraphs 0034-0037, Page 4, paragraph 0040).

The prior art of record does not suggest nor teach the following limitations (or similar limitations) in conjunction with other elements in the claims: in response to a scrolling command scrolling toward a new slice that is not currently viewable to the viewer while continuing to display the retrieved slice expanding the displayed number of slices on a slice by slice basis by one additional slice.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH  
December 4, 2006

  
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